



ILLINOIS CENTRAL RAIL-ROAD COMPANY.

[To accompany bill H. R. No. 519.]

JANUARY 17, 1837.

Reprinted by order of the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES, U. S.,

January 17, 1837.

On motion of Mr Casey,

Resolved, That bill No. 519, being a bill to authorize the Illinois Central Rail-road Company to locate and construct a rail-road through the public lands of the United States, and for other purposes, the petition and charter of said company, together with the report accompanying said bill, be printed for the use of this House.

MARCH 31, 1836.

MR. CASEY, from the Committee on Public Lands, made the following

REPORT:

The Committee on Public Lands, to which was referred the memorial of the Illinois Central Rail-road Company, have had the same under consideration, and respectfully submit the following report :

That by an act of the Legislature of the State of Illinois, approved on the 16th January, 1836, a company was incorporated, and authorized, and empowered to locate, construct, and finally complete a rail-road, commencing at or near the mouth of the Ohio river, in the State of Illinois, thence north to a point on the Illinois river, at or near the termination of the proposed Illinois and Michigan canal, with the right to extend the same to the town of Galena, in said State.

The character and importance of the undertaking, and the propriety of the Government granting assistance in the prosecution and completion of the work, by securing for a limited time to said company the right of pre-emption to a portion of the public lands on each side of the contemplated rail-road, according to the prayer of the memorialists, will more fully appear from the following statement of facts. It will form a connecting link with other works of internal improvements by rail-roads and canals, and great natural highways of intercommunication, which will more or less affect the interests of a large portion of this Union.

Illinois is situated in the heart of the Mississippi valley, bounded on the west and southwest by the great Father of Waters, on the east and south-
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east by the Wabash and its parent river, the beautiful Ohio; and on the north by an artificial line, passing through a region of inexhaustible mineral wealth. These limits embrace a territory which nature has left without a rival on the habitable globe, in all that affords facilities for the acquisition of the essential means of human happiness. At the confluence of the Ohio and Mississippi, it is contemplated to commence the proposed rail-road, and run it north, touching at the most important points in the interior of the State, to the contemplated termination of the Illinois and Michigan canal: continuing north, near said third principal meridian line, to township 42 north; and thence it diverges to the northwest, and terminates at Galena, in the very heart of the mineral region before mentioned.

The committee acknowledge the influence of many weighty considerations in granting the prayer of the memorialists. A reference to the map of the country shows that the work will commence at a point of uninterrupted navigation, and, passing through a country of great fertility, fixes its northern termination in a region where navigation is closed several months in the year. The line of this road divides the western and eastern boundaries of the State nearly at equal distances, and becomes more distant as it progresses north, until it unites with the canal connecting the waters of the St. Lawrence and Mississippi, by which a continuous line of communication is opened into the lakes of the north, the Canadas, and the northern parts of the United States. Looking south, it connects with a navigation which, by means of the Ohio, penetrates the States of Indiana, Ohio, Kentucky, Pennsylvania, and Virginia, to the base of the Alleghany chain of mountains, and through the channels of the Cumberland and Tennessee rivers you enter the very heart of the rich States of Alabama and Tennessee; and by the Upper Mississippi and Missouri, you reach the outposts of America.

Through the tributaries of the Lower Mississippi, the whole southwestern world is open to American enterprise; and on the bosom of the parent river, every nation and port known to commerce is accessible from this beginning point of the rail-road.

The route of the central rail-road passes through a country, the greater part of which has been in market for 10, 15, 20, or 25 years, which is mainly ascribable to the fact of its remoteness from navigation and markets. It is well known to all observers that the first settlements of new countries are almost invariably confined to the great rivers. Such is the fact in relation to Illinois. Another reason which has contributed to keep this land out of the market is, that large proportions of it are prairies of great extent, which retards greatly the settlement of the country, and which difficulty will be nearly obviated by the construction of the contemplated road, and the Government be enabled to sell its unavailable land for many miles contiguous to the route, and thus derive a large revenue from an unanticipated source, and from one which would have lain dormant, and consequently without profit to the State or nation, for ages to come.

Regarded thus in a pecuniary point of view, in reference to the General Government, the construction of the road will give value to immense bodies of unproductive wild lands, and considerably enhance the revenues of the State, by subjecting them to taxation.

The proposed central rail-road will follow, as nearly as practicable, the third principal meridian line, passing through the seat of Government of the State, and the other principal towns on the route. It will be seen by a

statement derived from the department of the General Land Office, that the lands remaining unsold up to a late period, confining the estimate to the said meridian line, between the mouth of the Ohio and its intersection of the Illinois, without any divergence, and a scope of five miles on either side thereof, amount to 2,183,330 acres; and that 383,133 acres have been sold, making the entire quantity of public lands on the route 2,565,613 acres. Between the point of intersection on the Illinois river, (the western termination of the Illinois and Michigan canal) and Galena, a distance by estimate of 110 miles, the unsold lands within the prescribed limits of five miles on each side of the route, amount to 661,120 acres.

As gigantic as the proposed project is regarded in every point of view, whether for its extent, (being from 150 to 500 miles in length,) the newness of the country in and through which its construction is contemplated, its unsurpassed fertility and adaptation to agricultural pursuits, the prospective utility of the road to the nation, and present advantage to the State, and being entirely practicable, it will be undertaken and finished, but much more speedily by the grant of the privilege prayed for.

When the Mississippi and Ohio are fast bound up in ice, troops and munitions of war can be transferred, with a rapidity and despatch unknown to water transportation, to the frontiers of Illinois, Wisconsin, and northern Missouri, whence they can be stretched along the lines of these frontiers in an incalculably short period of time.

The northern termination of the road is situated in the centre of the lead region. At all times and seasons this valuable article of trade can be brought south, and thence to any military point or commercial mart in the Union. The lead in this region is inexhaustible, and will afford a sufficiency to supply the wants of the country both in peace and war. Regarded as the groundwork of a system of internal improvement about being commenced in Illinois, it is of paramount importance to the public interests. This road will be regarded as the grand stem, from which will diverge works of a similar kind, to connect with every road or canal of importance which the enterprise of the neighboring States may undertake, pointing in the direction of Illinois. A branch is contemplated to St. Louis, whereby an unbroken line of rail-road will be made to the northwestern limits of Missouri; another to unite with the Wabash and Erie canal; thus opening to every citizen of Illinois a direct communication with the northern States of the Union. In a word, branch roads, it may be confidently calculated, will be constructed to every important town or commercial position on the borders of the State. Considered, then, as a facility of carrying out a system about undergoing the action of Congress, for the transportation of the United States mail, it should be regarded in a most favorable light. It is also in contemplation (and recent experience proves that it is only necessary to conceive a work of internal improvement, to carry it into effect,) to extend the road from the mouth of the Ohio to Nashville, in the State of Tennessee, to meet the projected road from that city to New Orleans, and to unite with branches of the great Charleston project, and the contemplated Baltimore and Ohio and Richmond rail-roads.

The completion of these great works would identify the interests of the whole valley of the Mississippi, and bring the west and the south into the most intimate communion. Viewing this subject in every possible point of light, as creating at its southern termination a commercial emporium of great future consequence to the commerce of the western States, at which

will concentrate the trade from the sources of the Mississippi and Missouri, the mineral regions of the north and southern Missouri, the manufactures of the Ohio and tributaries, the rich products of the southern country, brought in exchange for the superabundant productions of the rich soils of Illinois; or as giving value to millions of acres of the public domain, which are now wholly worthless and unsaleable; or as enhancing the revenues of the State, and contributing to its welfare and prosperity, in the increase of its population, wealth, and intelligence, and in direct and positive benefits to the people; or as creating great facilities in the conveyance of the mail, the transportation of troops and munitions of war from one extreme of the country to another, at all *seasons of the year, in one-fourth of the time and at one-half the expense now required*; or its effects upon the social and political relations of a large portion of the American people, or their public or their private interests; it operates upon each and all in the most beneficial manner.

The committee will not permit themselves to doubt the final decision of the House on this subject, especially when it is recollected that a large portion of the very land to which the right of pre-emption is asked, unless the road be made, will remain for many years, as millions of acres now are, valueless and unsaleable on the hands of the Government; and that sound policy in relation to the value and sale of the immense districts of lands owned by the United States, almost exclusively, through which the road would pass, would be to make the grant asked for. There can be no doubt but that three times the amount that could now be realized for those lands, would, on the completion of the work, be immediately reimbursed by the increased value and ready sale of the adjacent lands, a large portion of which, from their remoteness from highways, and other causes, are now nearly, if not altogether, without value. The correspondence before alluded to, with the Commissioner of the General Land Office, together with a map of the State of Illinois, is appended to and made a part of this report.

The committee report a bill in conformity with the prayer of the memorialists.

HOUSE OF REPRESENTATIVES,

March 25, 1836.

SIR: The memorial of the Illinois Central Rail-road Company, incorporated by an act of the Legislature of the State of Illinois, for the purpose of constructing a rail-road from a point at or near the mouth of the Ohio river, to the termination of the proposed Illinois and Michigan canal, on the Illinois river, with the right to extend the same to the town of Galena, in said State, praying for the right of pre-emption to a portion of the public lands through which said rail-road may be located, has been referred to the Committee on Public Lands of the House of Representatives. In order to enable the committee to judge of the propriety of reporting a bill in accordance with the prayer of said memorial, will you have the goodness, at your earliest convenience, to furnish the committee with a statement, showing the quantity of land that has been disposed of by the Government, and the quantity still owned by the United States, within five miles in width, on each side of the third principal meridian line in the State of Illinois, from a point on the Ohio river where said third principal

meridian line intersects the same, north, to a point on the Illinois river where said line crosses said river; and also the quantity of land that has been disposed of by the Government, and the quantity still owned by the United States, within five miles in width, on each side of a straight line, east from the last point aforesaid, to the town of Galena, in said State of Illinois.

I have the honor to be, very respectfully,

Your most obedient servant,

Z. CASEY.

E. A. BROWN, Esq.

Commissioner of the General Land Office.

GENERAL LAND OFFICE.

March 26, 1836.

SIR: In your letter of the 25th instant, you request to be furnished with a statement showing the quantity of land disposed of by the Government, and the quantity still owned by the United States, within five miles in width, on each side of the third principal meridian line in the State of Illinois, from a point on the Ohio river where said third principal meridian line intersects the same, north, to a point on the Illinois river where said line crosses said river: and, also,

The quantity of land that has been disposed of by the Government, and the quantity still owned by the United States, within five miles in width, on each side of a straight line east from the last point aforesaid, to the town of Galena, in the said State of Illinois.

From the verbal explanation which I had yesterday the honor to make, you are aware of the difficulties in the way of preparing such *statements* as you require, by reason of the heavy arrears of sales remaining to be registered in the tract books of this office.

Under these circumstances of official embarrassment, I am enabled only to *estimate*, as nearly as practicable, the particulars you desire: and the following are the results:

<i>First.</i> —Total quantity of five sections on each side of the third principal meridian from the Ohio river to the river Illinois, estimated				-	1,861,613	acres.
Sold and otherwise disposed of by the United States				-	340,253	"
Vacant				-	1,521,360	"
<i>Second.</i> —Estimated distance of the line from the Illinois river to Galena, 110 miles, ten sections to a mile				-	704,000	"
Sold, estimated				-	42,880	"
Vacant				-	661,120	"

Transmitted herewith is a map of the route described in your communication.

I have the honor to be,

Sir, your obedient servant,

ETHAN A BROWN.

HON. ZADOK CASEY,

of the Committee on Public Lands, H. R.

MEMORIAL

To the honorable the Senate and House of Representatives of the United States :

"The Illinois Central Rail-road Company," incorporated by an act of the Legislature of the State of Illinois, for the purpose of constructing a rail-road from the mouth of the Ohio river to the termination of the proposed Illinois and Michigan canal, on the Illinois river, with the right to extend the same to the town of Galena, in said State, respectfully desire to submit to the National Legislature some of their views of the character and importance of the undertaking, and the propriety of the Government's granting assistance in the prosecution and completion of the work, by securing for a limited time to your memorialists the right of pre-emption to a portion of the public domain on each side of the contemplated road, and by making to them a grant of lands.

Commencing in the southernmost extremity of Illinois, at the confluence of the Ohio and Mississippi, two majestic rivers, which and their tributaries water a large and important portion of the United States, a point always accessible to boats of the largest dimensions from the lower sections of the latter river, whose navigation is seldom or never obstructed so far down as this place by low water or ice, stationary or floating; passing through the centre of the State to its northern boundary, and extending through a territory of great fertility, blessed with a climate mild and salubrious, affording the means of bringing to the extensive prairies of this fine territory the coal, and wood, and materials valuable for buildings and fences, and so abundant in some parts of the country, particularly in the southern part of the State, this rail-road cannot fail to be a work equal in importance to the whole nation, and to any thing of the kind yet devised, and vastly more important to this State than any which can be projected.

Your memorialists deem it highly important in a national point of view, because they regard it as a principal link in the chain of communication which is now in preparation to bind together in close and firm union the southeastern and northwestern States. The day, it is confidently believed, is not far distant, when the rail-road now in progress from the city of Charleston, in South Carolina, and proposed to be extended by Nashville, in Tennessee, to Cincinnati, as well as the New Orleans rail-road, which will soon be made to Nashville, whence it can easily be extended the small distance, and the most valuable part of the whole route of either road from the last mentioned place to the confluence of those majestic rivers, and where the "Illinois Central Rail-road" is to commence; thus opening a direct, speedy, and safe communication from the northwest to a city in the southeast part of the United States, possessing one of the best and safest harbors in the world, and justly the boast and pride of the south.

This road, thus completed and traversing North and South Carolina, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, and Illinois, and extending diagonally from one corner of the nation to the other, will facilitate the exchange of the mineral riches, and wheat, and other products of the northwest, for the cotton, sugar, coffee, rice, and other agricultural wealth of the southern States and West Indies, as well as for the goods imported from abroad. It will serve to bring directly to the west, in payment for the lead, beef, pork, wheat, and other products of western industry, the

wealth of the south, to be employed in making improvements where they are most needed and subject to use; and, if possible, render more beautiful the lovely plains of the west. It will introduce to an intimate acquaintance, and bind in ties of friendship as well as of interest, the planters of the south and the farmers, their fellow-citizens, of the "far west." Their intercourse being so easy and immediate as it then will be, and promoting in so eminent a degree, as it will, the interests of all concerned, cannot but increase; and the bands of Union, thus formed, will grow forever stronger and more indissoluble.

The great space between the ends of this immense highway of nations will be diminished, as it were, to a point; and the inhabitants of States now far distant, and utter strangers, and, perhaps, in some degree regarding each other with eyes of jealousy and suspicion, will, by this means, be brought into near neighborhood and intimate acquaintance; nay, into friendship secured by strong ties of interest.

Your memorialists having taken a cursory view of the advantages of this magnificent work, growing out of the relations of the States to each other through which it is to be made, and of others adjacent to them, (not with any intention of enumerating the one-half, much less of discussing their inestimable importance, which, in many respects, is believed to be self-evident,) beg leave to advert for a moment to it as a safeguard of the Government, and a means of carrying on, with increased facility, its operations.

Your memorialists will not dwell on the greater security and increased speed with which the mail can be transported in a rail-road car to and from the remotest parts of our widely extended country; though this, of itself, it is believed, affords a sufficient reason why the Government would act wisely by extending a helping hand to accomplish a work in this respect so desirable. But, when it is considered that so soon as this road shall have been completed from the city of Charleston, in South Carolina, to Galena, on the upper Mississippi, the troops, munitions of war, and military stores, and supplies of the United States, can be transported from the extreme southeast on the Atlantic, to the extreme northwest on the Mississippi, with a speed and security so much greater than would be practicable without its aid; reasons from this quarter flow in apace with powerful conviction in the mind of every patriot and statesman, why the General Government should exert an active energy, and bestow with a liberal hand, towards the completion of this great work.

Suppose, however, it should be thought your memorialists entertain mistaken views of the national importance of this undertaking in which they are engaged; that it is not to be so valuable as they deem it, in carrying on trade and commerce between the distant and dissimilar parts of our common country, in subserving their mutual and respective interests, and in binding them together in the bands of lasting friendship; that, as a security and protection to the Government itself, and as the means of transporting the mail and the troops, military stores, supplies, and munitions of war, it is overrated; still it is to be considered that a great portion of the route of the proposed road in this State is to pass through an extended and almost uninterrupted prairie, which, though fertile, is destitute, in a great measure, of the fuel and timber necessary to its cultivation and habitation; and that, without the aid of such road, it cannot, for many years to come, be profitably occupied, and will not afford sufficient inducement to its settlement; and in all human probability, for a long time, if ever, only portions of it, small in comparison with the whole, will find a purchaser, owing

to its distance from timber and the inconvenience of procuring fuel and materials for buildings and fences; and that by this road those things will be abundantly and easily supplied from the numerous coal banks it will pass over, and the dense forests in the southern part of the State; and that the sales of public lands long in market, and long but for this to remain so, will be accelerated and greatly increased in amount. This latter consideration, growing out of the proprietary interest of the United States in the soil, affords, it is thought, a strong reason why the Government should, even if its view and action were to be confined to the increase and raising of a revenue, assist efficiently in the prosecution of this work, by making to your memorialists a liberal donation in lands, and by securing to them for a reasonable time a pre-emption right to the whole, or a portion of the public lands within a given distance, on each side of this rail-road.

The advantage of the proposed road to the present interests and future prosperity and wealth of Illinois—a thing, in the opinion of your memorialists, not to be overlooked by the National Legislature—besides the benefits it will enjoy in common with the other States through which it is to pass, in the increased value of her land and its products, in the facilities it will afford to the central and healthy parts of the State for conveying away to market those products speedily and safely, and for obtaining from abroad the necessary supplies of articles of foreign growth or fabrication; in bringing into notice and cultivation, and subjecting to taxation, a large quantity of lands which otherwise may, and doubtless will, long remain as they now are, the wild and uncultivated property of the public, and in other various and numerous ways too obvious to require specification, will not, because it cannot, be questioned, is above all estimate, and, being apparent, needs not to be urged. The point where the road will commence in this State, as before stated, is one to which boats of the largest size come at all seasons of the year, and one to which a rail road from the city of Charleston, in South Carolina, will doubtless soon be made. It extends thence through the centre of this State, near the third principal meridian, to the termination of the Illinois and Michigan canal on the Illinois river, now to be actively prosecuted a distance of upwards of three hundred miles, and from thence to Galena, upwards of one hundred and twenty miles further; making, in all, a distance from its commencement to its termination at the town of Galena, of between four and five hundred miles; and if completed, as is contemplated and confidently expected, it will redound to the lasting prosperity, and secure the future independence of this State; and will, for ages to come, be its boast and its glory, and it will become a monument reared to the enterprise and industry of those who accomplish the work, and is worthy the patronage of a great, powerful, and enlightened nation.

In conclusion, your memorialists, for the foregoing reasons, and for many more, which the subject itself will suggest to the wisdom and foresight of Congress, pray that such a donation in lands, as the importance of the subject may indicate as reasonable and proper, may be made to said company; and that a pre-emption right to the whole, or a portion of the public lands lying immediately on the route of said road, within a distance to be specified on each side thereof, may be secured to them for a reasonable time, within which it may be practicable to complete the same.

A. M. JENKINS,

President of the Illinois Central Rail-Road Co.

D. B. HOLBROOK,

Treasurer of the Illinois Central Rail-Road Co.

AN ACT to incorporate the Illinois Central Rail-road Company: January, 1836.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Wilson, Alexander M. Jenkins, David J. Baker, John S. Hacker, Henry Eddy, Wilson Able, Elijah Williams, Joel Manning, Richard G. Murphy, Pierre Menard, Miles A. Gilbert, Francis Swanwick, John Reynolds, Alfred Cowles, Harry Wilton, Sidney Breese, John D. Wood, Charles Prentice, John Derment, William F. Thornton, William Williamson, John F. Henry, M. S. Covill, Lovell Kimball, John M. Krum, D. B. Holbrook, Simon M. Hubbard, James Hughes, Albert G. Snyder, Wm. G. Reddick, G. S. Hubbard, Daniel Wann, John Taylor, Elijah Iles, Thomas Mather, John Todd, A. G. Henry, James Thompson, Gabriel Jones, William Adair, Robert K. McLaughlin, Henry Smith, William Linn, Jesse C. Lockwood, Abraham Irvin, Daniel Marshall, Daniel Field, George H. Hannah, Samuel S. Chapman, John Dunn, William W. Roman, Lyman Adams, James Mitchell, William Welsh, Nathan Horner, Thomas B. Afflick, and Porter Clay, their associates, successors, and assigns, be, and they are hereby, made a body politic and corporate, under the name of the "ILLINOIS CENTRAL RAIL-ROAD COMPANY," and by that name shall be, and are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court or place whatsoever; to make, have, and use a common seal, and the same to renew and alter at pleasure; and by that name and style be capable in law of purchasing, holding, and conveying away real and personal estate, for the purposes and uses of said corporation; and shall be, and are hereby, vested with all the powers, privileges, and immunities, which are, or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and the said corporation are hereby authorized and empowered to locate, construct, and finally complete a rail-road, commencing at or near the mouth of the Ohio river, and thence north to a point on the Illinois river, at or near the termination of the Illinois and Michigan canal, in such manner and form as they shall deem to be most expedient; and, for this purpose, said company are hereby authorized to lay out their road, not exceeding eight rods wide, through its whole length; and for the purpose of cuttings, embankments, and procuring stone or gravel, may take as much more land as may be necessary for the proper construction and security of said road: *Provided, however,* That all damages that may be occasioned to any person or corporation, by the taking of such land or materials for the purposes aforesaid, shall be paid for by said company, in the manner hereinafter provided.

SECT. 2. The capital stock of said company shall consist of twenty-five thousand shares, of one hundred dollars each; and the immediate government and direction of the affairs of said company shall be vested in a board of not less than five directors, who shall be chosen by the members of the corporation, in the manner hereinafter provided, and shall hold their offices until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be president of the board, who shall also be president of the company; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall give bonds to the corporation, with

sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

SECT. 3. The president and directors for the time being are hereby authorized and empowered, by themselves, or their agents, to exercise all the powers herein granted to the company for the purpose of locating, constructing, and completing said rail-road, and for the transportation of persons, goods, and merchandise, and all such other powers and authority for the management of the affairs of the company, not heretofore granted, as may be necessary and proper to carry into effect the objects of this company; to purchase and hold lands, materials, engines, cars, and other necessary things, in the name of the company, for the use of the road, and for the transportation of persons, goods, and merchandise; to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the company, and the treasurer shall give notice of all such assessments; and in case any subscriber shall neglect to pay his assessment for the space of thirty days after due notice by the treasurer of said company, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber shall be held accountable to the company for the balance, if his share or shares shall sell for less than the assessment due thereon, with interest and costs of sale, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due, with interest and costs of sale: *Provided, however,* That no assessment shall be laid upon any shares in said company, of a greater amount in the whole than one hundred dollars on a share.

SECT. 4. The said company shall have power to make, ordain, and establish all such by-laws, rules, and regulations, and ordinances, as they may deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, and the conveyance of property, and the well-ordering, regulating, and securing of the interests and affairs of the company: *Provided,* The same be not repugnant to the constitution and laws of this State, or of the United States.

SECT. 5. A toll is hereby granted and established for the sole benefit of said company, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established, from time to time, by the directors of said company. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules, regulations, and provisions, as the directors shall, from time to time, prescribe and direct: *Provided, however,* That if, at the expiration of ten years from and after the completion of said road, the nett income or receipts from tolls, taking the ten years aforesaid as the basis of calculation, shall have amounted to more than 12 per cent. per annuo upon the cost of the road, the Legislature may take measures to alter and reduce the rate of tolls, in such manner as to take off the overplus for the next ten years—calculating the amount of transportation upon the road to be the same as the ten preceding years; and at the expiration of every ten years thereafter, the same proceeding may be had: *Provided, further,* That the

Legislature shall not at any time so reduce the tolls as to produce less than 12 per centum upon the cost of the said rail-road, without the consent of the said company; and no other rail-road than the one hereby granted shall, within fifty years from the passage of this act, be authorized to be made, leading from the Ohio river, or Mississippi river, commencing below the mouth of the Illinois river, to any place within ten miles of the northerly termination of the rail-road hereby established: *Provided*, That the said rail-road shall be commenced in five years, and completed within twenty years from the passage of this act.

SECT. 6. The directors of the said company, for the time being, are hereby authorized to erect toll-houses, establish gates, appoint toll-gatherers, and demand toll upon the road, when complete, and upon such parts thereof as shall from time to time be completed.

SECT. 7. The said company shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land for said rail-road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by laying out highways.

SECT. 8. When the lands or other property, or estate of any feme covert, infant, or person *non compos mentis* shall be necessary for the construction of said rail-road, the husband of such feme covert, and the guardian of such infant, or person *non compos mentis* may release all damages for any lands or estate taken and appropriated as aforesaid, as they might do if the same were holden by them in their own right respectively.

SECT. 9. If any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said rail-road, or in any way spoil, injure, or destroy said rail-road, in any part thereof, or any thing belonging thereto, or any material or instruments to be employed in the construction, or for the use of said rail-road, he, she, or they, or any person or persons assisting, aiding, or abetting in such trespass, shall forfeit and pay to said company, for every such offence, treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be had, to be sued for and recovered before any justice, or any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said company: and such offender or offenders shall be liable to indictment by the grand jury for the county within which such trespass shall have been committed, for any offence or offences contrary to the above provisions; and on the conviction thereof, before any court competent to try the same, shall pay a fine not exceeding one hundred nor less than thirty dollars, to the use of the people of the State of Illinois, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

SECT. 10. The annual meeting of the members of said company shall be holden on the second Monday in December, in each year, at Vandalia, or such other place as the directors for the time being may appoint, at which meeting the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares; and any two of the individuals named in the first section of this act are hereby authorized to call the first meeting of said company, by giving notice in some public newspaper published at the place where such meeting is to be held, of the time, place, and purpose of such meeting, at least ten days before the time mentioned in such notice.

SECT. 11. If the said rail-road, in the course thereof, shall cross any river, canal, turnpike, or other highway, the said rail-road shall be so constructed, as not to impede or obstruct the safe and convenient use of such river, canal, turnpike, or other highway. And said company, hereby created, may construct a lateral rail-road from Belleville, through Lebanon, in St. Clair county, to the nearest practical point of said Central Rail-road, which lateral rail-road may be made and constructed in the same manner, and the work progress in the proportion of the work done on the main central rail-road, until the same is completed, to be subject to the same rules and regulations when completed, that the main road is by this act.

SECT. 12. It shall be lawful for the Legislature of this State, at any time during the continuance of the charter of the said rail-road, after the expiration of twenty-five years from the opening for use of the rail-road herein provided to be made, to purchase of the said company the said rail-road, and all the franchise, rights, and privileges of the said company, by paying them therefor the amount expended in making said rail road: and in case, at the time of purchase, the said company shall not have received a nett income equal to twelve per cent. per annum, on the said expenditures, from the time of the payment thereof by the stockholders, by paying the company such additional sum as, together with the tolls which they shall have received from the said rail-road, will be equal to a nett profit of twelve per cent. per annum on the cost of said rail-road, from the date of the payment thereof by the stockholders of the said corporation, to the time of such purchase.

SECT. 13. The said company are hereby authorized to extend the said rail-road herein provided for, from the Illinois river to Galena, in this State: *Provided*. The route proposed to be taken shall be surveyed and located within four years from July next, and the whole rail-road completed within the time limited in the fifth section of this act.

SECT. 14. It shall be lawful for said company to increase their capital stock to an amount sufficient to extend and complete the rail-road authorized by this act, whenever the company shall deem it expedient, by a vote of the stockholders at a meeting specially notified for the purpose, to be assessed to the same amount as the shares which are already created: *Provided*, That the additional number of shares so to be created shall not exceed ten thousand; and the proprietors of the shares already created, for the time being, shall have the option of subscribing to said additional shares, in proportion to the amount which they may hold, respectively, of the said original shares.

SECT. 15. In case the State shall purchase the rail road authorized to be constructed by this act, the limitation provided in the fifth section of this act shall cease, and be of no effect.

SECT. 16. It shall be the duty of said rail-road company, from year to year, to make report to the Legislature of their receipts and expenditures on said rail-road, and branches authorized to be constructed under the provisions of this act.

SECT. 17. It shall be the duty of said company to reserve of said capital stock to the amount of five hundred thousand dollars, to be disposed of in this State: which stock, so reserved, the president and directors of said company shall, within four months after the said company shall have been organized, offer for sale, by causing books to be opened at the several places hereinafter named, and under the direction of the following commissioners, namely: at Ottawa, under the direction of Lovel Kimball; at Bloomington,

under the direction of M. L. Covall; at Springfield, under the direction of William Carpenter; at Jacksonville, under the direction of John Henry; at Decatur, under the direction of Isaac Pugh; at Shelbyville, under the direction of Joseph Oliver; at Hillsborough, under the direction of Christian B. Blockburger; at Vandalia, under the direction of James Black; at Greenville, under the direction of James Bradford; at Carlyle under the direction of Joshua T. Bradley; at Salem, under the direction of Mark Tully; at Mount Vernon, under the direction of Harvey B. Pace; at McLeansborough, under the direction of Milton Carpenter; at New Nashville, under the direction of John D. Wood; at Frankfort, under the direction of Johnson Wren; at Equality, under the direction of Daniel Wood; at Darwin, under the direction of Uri Manly; at Alton, under the direction of J. A. Townsend; and at Belleville, under the direction of John D. Hughes; and the said commissioners, at the places above named, shall receive subscriptions for said stock, which books shall be kept open for the space of at least sixty days, or until the whole of said stock, so offered for sale, is taken; and whenever, and as soon as twenty-five thousand dollars thereof shall have been subscribed, at any one of the before-mentioned places, the books at such places shall thereupon be closed: one dollar on each share so subscribed shall be paid by the subscriber at the time of subscribing; and no person shall, during the first thirty days after the opening of the books as aforesaid, be allowed to subscribe for more than five shares in his or her own name; and any and so much of said stock so offered for sale at said places as aforesaid, as shall remain unsubscribed after sixty days from the time of opening said books, may be disposed of in such manner and at such time as the said president and directors of the company shall deem proper; public notice of the time and place when and where said books shall be opened for the purposes aforesaid shall be given in three or more newspapers of general circulation published in this State; and vacancies occasioned by death, or refusal to serve, of the above-named commissioners, shall be filled by the president and directors of said company.

SECT. 18. This act of incorporation shall continue in force for the term of sixty years from and after the passage thereof, shall be deemed and taken to be a public act, and be in force from and after its passage.

JAMES SEMPLE,

Speaker of the House of Representatives.

A. M. JENKINS,

Speaker of the Senate.

Approved, 16th January, 1836.

JOSEPH DUNCAN.

STATE OF ILLINOIS,)
Department of State. }

I, Alexander P. Field, Secretary of State of the State of Illinois, do hereby certify, that the foregoing act is a true and perfect copy of the enrolled bill on file in my office.

In testimony whereof, I have hereunto signed my name and affixed the [L. s.] seal of State, at Vandalia, the 18th January, 1836.

A. P. FIELD,

Secretary of State.

At a meeting of the board of directors at Alton, February 13, 1836, it was

Voted, That the president and treasurer of this company be authorized to proceed to Washington city, for the purpose of procuring such aid from the General Government, by way of donations of land, or pre-emption rights thereto, as may further the objects of this company; and that they have power to make such contracts with the General Government, or any authorized officer or department thereof, in relation to carrying the mail, transporting the troops, munitions of war, and property of the United States, as they may deem it advisable and most beneficial for this company.

Voted, That the memorial prepared by this company be presented to Congress by the president and treasurer, and that they use all the means in their power to effect the objects contemplated therein.

This certifies that A. M. Jenkins is president, and D. B. Holbrook treasurer of the Illinois Central Rail-road Company.

MILES A. GILBERT,

Clerk of the Illinois Central Rail-road Company.



